



TO: Members of the Special Committee on Ethics and Standards of Conduct

FROM: Representative Steve Nass

DATE: March 2, 2010

RE: Assembly Resolution 14 – The Expulsion of Representative Jeffrey Wood

Since October 27, 2009, the Wisconsin State Assembly has been considering 2009 Assembly Resolution 14, relating to the expulsion of State Representative Jeffrey Wood. Under the rules of the body, the expulsion resolution was forwarded to the Special Committee on Ethics and Standards of Conduct.

The special committee is finally poised to formally address the repeated dangerous behavior of Mr. Wood that jeopardized the lives of innocent citizens. The special committee has gathered a significant amount of information from law enforcement that substantiates the allegations regarding Mr. Wood's dangerous behavior. Also, the dash cam videos of his arrests combined with his own public statements leave little doubt regarding the impaired nature of his driving during these three incidents in less than one year.

This issue is not about Mr. Wood's legislative related views or votes. However, it is about his repeated instances of disorderly behavior as a result of his use of drugs and alcohol.

Mr. Wood's intent has been to delay and avoid taking responsibility for his own personal failings. In recent weeks, he has attempted to play on the heart strings of the public by excusing his conduct and shifting blame to factors beyond his control. He has suggested a lack of health insurance coverage is partially at fault, that his genetic make-up predisposes him to make potentially dangerous decisions, and the treatment of doctors caused his behavior. These are just some of the most recent sad excuses that he has communicated to the public in an attempt to garner sympathy for his plight.

The facts show a much different set of circumstances. Mr. Wood's conduct includes three convictions for impaired driving and two pending cases, as well as, a couple of other incidents earlier in his life involving significant personal misconduct requiring the response of law enforcement.

The Wisconsin Constitution, ratified by the people of this state on March 13, 1848, envisioned the possibility of legislators such as Mr. Wood with the inclusion of Article

IV, Section 8, authorizing the expulsion of members due to contempt and disorderly behavior. Our founders deemed a 2/3 vote as the appropriate standard to be applied in these situations. This section was included in the original ratification in 1848. The expulsion section has never been amended.

Now, Mr. Wood is challenging the legal authority of the Wisconsin State Assembly to address his situation. Apparently, he and his legal advisers were unable to find a copy of the state constitution. However, there should be no more delays granted to Mr. Wood based on some fabricated legal concerns.

The time has come for the special committee to finalize its review of the facts and determine an appropriate recommendation on Assembly Resolution 14. I still believe that Mr. Wood's repeated dangerous conduct by driving impaired and being arrested three times in less than a year and two previous convictions prior to his service in the Assembly warrant his expulsion from the Wisconsin State Assembly. Mr. Wood's declaration that he won't seek re-election should have no bearing on the outcome of the expulsion process.

If you believe that Mr. Wood's repeated abuse of alcohol and drugs followed by his decision to drive is conduct that conforms to reasonable standards of ethics and moral behavior for a member of the State Assembly, then by all means don't vote to recommend expulsion. If you believe the repeated nature of his conduct does cross the line of ethics and moral responsibility as a member of the Assembly, then your vote to recommend expulsion should be in the affirmative.

While we may not be able to prevent further dangerous behavior by Mr. Wood, we do have the power to make sure he can't do it as a serving member of the people's house, the Wisconsin State Assembly. The people of this state have already reached their conclusion about Mr. Wood.

They now await the decision of the Assembly to determine if the other members think any differently than Mr. Wood.

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HAND DELIVERED

March 4, 2010

Hon. Mary Hubler
Chair, Special Committee on Ethics
and Standards of Conduct
Room 119 North
State Capitol
Madison, WI 53708

Re: State Representative Jeffrey Wood

Dear Representative Hubler:

I want to thank you for the opportunity to speak this morning, and to submit my written remarks for the record. Enclosed is a copy of my prepared remarks.

I appreciate your decision to hold this matter open so that Rep. Nass has the opportunity to appear and testify. I look forward to having the opportunity ask him questions, and trust he will not find the proceeding to have any kind of 'circus-like atmosphere' as alleged by his spokesperson after today's hearing.

Since I have been asked to provide the enclosed, and since a good lawyer never passes up the opportunity to advocate for his client, let me respectfully state again that I believe the resolution to expel cannot be reported to the legislature. Article IV, Section 8 of the Wisconsin Constitution provides expulsion only if a member of the assembly has disobeyed (acted in contempt of) a rule of the Assembly or behaved in a disorderly fashion during a hearing or session. Representative Wood's alleged conduct has not violated any Assembly Rule.

Representative Hubler

March 3, 2010

page 2

To permit otherwise would be to invite resolutions such as this anytime a lawmaker is accused of any act in violation of the traffic or criminal law. As the record demonstrates, that has not been the practice of either house in the past. Neither the Constitution nor the rules dictate that Representative Wood, an independent, should be singled out after members of the major parties have served out their terms while facing criminal charges, including felony crimes involving the use of their office, without facing similar efforts at expulsion.

Rep. Nass may be disturbed by Representative Wood's conduct and outraged that Representative Wood declined to resign. Rep. Nass is free to express that outrage on the floor of the house without concern for criminal or civil liability thanks to the protections of Article IV, Section 16. But if he were to take the floor and express that outrage in a manner which violates the rules adopted by the Assembly, he could be subject to a resolution to expel for contempt of those rules. If he spoke out on the floor and physically attacked Representative Wood, Rep. Nass could be subject to a resolution to expel for disorderly behavior. That is the purpose and intent of the constitutional provision Rep. Nass relies upon to seek Representative Wood's expulsion.

The duty of the Committee is to make a report to the Assembly. I respectfully suggest that the following be the report:

Article IV, Section 8 provides that the Assembly may establish by rule the procedures to be followed by the house and its members. The constitution provides that a legislator violating such rules may be subject to an expulsion resolution for his or her contempt of the rules, or for engaging in disorderly behavior contrary to the rules. There is no assembly rule which is violated by a legislator being charged with a crime or engaging in the operation of a motor vehicle while under the influence of alcohol, prescription or non-prescription medication. Representative's Wood's conduct in Columbia, Marathon and Monroe counties, while not in the best interests of himself, other drivers, his constituents or the citizens of this state, does not violate a rule of the assembly and is not actionable under Article IV, Section 8.

HURLEY, BURISH & STANTON, S.C.

Representative Hubler
March 3, 2010
page 3

Thank you for your consideration.

Cordially,

HURLEY, BURISH & STANTON, S.C.



John D. Hyland

JDH:mns

enclosure

cc: Representative Jeffrey Wood, w/enc

Testimony Regarding the Constitutional Authority to Expel a Legislator

The Assembly is a creation of the Constitution. No powers except those granted by the Constitution.

Eligibility

The members of the assembly shall be chosen biennially, by single districts, on the Tuesday succeeding the first Monday of Nov. in even numbered years, by the qualified electors of the several districts..." Art. IV, sec. 4

According to the constitution, who is eligible to serve in the assembly?

No person shall be eligible to the legislature who shall not have resided one year within the state, and be a qualified elector in the district which he may be chosen to represent. Art. IV, sec. 6. An elector must be a US citizen age 18 or older and a resident of the election district. Art. III, sec. 1. The constitution gave the legislature the power to define residency, and enact laws to exclude from voting only those who have been convicted of a felony and not had their right restored, and those adjudged by a court to be incompetent. See Art. III, sec. 2.

No person who holds federal office. Art. 13, sec. 3

No person convicted of a felony or of a misdemeanor involving a violation of public trust. Art. 13, sec. 3

The constitution does not prohibit persons accused of or convicted of misdemeanor traffic offenses from nomination, election to, or service in the assembly.

Vacancies

According to the constitution, the legislature may declare the cases in which any office shall be deemed vacant, and the manner of filling the vacancy, where there is no provision made for that purpose within the constitution. Art IV, sec. 10.

There are a number of ways through which a seat is vacated:
when a representative dies
or resigns.

Or is convicted and sentence for a felony (The AG has issued an opinion stating that no declaration is needed by the legislative body when a member is convicted and sentenced for a felony. 65 G 264. The seat is vacant because the elected person is no longer qualified to serve.)

The governor is to issue a writ of election to fill a vacancy as they may occur.
Art. IV, sec. 14.

There are two other provisions by which a seat is determined to be vacant:
One is being sought here - expulsion

the other is the legal way of removing Rep. Wood but it is controlled by his constituents not by members of the assembly - the recall process.

Art. 13, sec. 12 provides a recall process for the citizens in the district who elected Jeffrey Wood. "The qualified electors of the state, of any congressional, judicial or legislative district or of any county may petition for the recall of any incumbent elective officer after the first year of the term for which the incumbent was elected...

Significantly, the framers of the Constitution did not want the district unrepresented during the recall process, for in subs 3 of Art. IV, sec. 12, the wrote: The incumbent shall continue to perform the duties of the office until the recall election results are officially declared.

The right to recall is so important that the constitution provides that, while laws may be enacted to facilitate its operation **no law shall be enacted to hamper, restrict or impair the right of recall.** Art . 13, sec. 12

Rep. Nass through his resolution has proposed that the legislature take the path of expulsion in order to remove Rep. Wood from his elected office. The problem is that the constitutional provision upon which the resolution relies does not apply here.

The Speech and Debate Clause

The framers of the constitution included protections for members of both houses as they perform their legislative duties. You cannot be arrested or subject to any civil process during session. Art. IV, sec. 15. This assures that the people within the district will be actively represented because even if there legislator is being

sought he or she can show up and participate in the legislative process without fear of being arrested or served during the legislative session.

More to the point, however, the constitution provides the protection of the speech and debate clause, Art. IV, sec. 16.

PRIVILEGE IN DEBATE. No member of the legislature shall be liable in any civil action, or criminal prosecution whatever, for words spoken in debate.

This protection permits you to speak freely, and without fear of retribution as you debate matters before you. This ensures that the people in your district will be freely, thoughtfully, and zealously represented.

The Right of the House to Expel

However, while you cannot be charged criminally or sued for words spoken in debate, the authors of the constitution did provide a mechanism for legislators who go too far in word or deed, either by acting with contempt of the rules or procedures of the house, or by acting in a disorderly manner.

Art. IV, sec. 8 provides **Each house may determine the rules of its own proceedings, punish for contempt and disorderly behavior, and with the concurrence of two-thirds of all the members elected, expel a member**

Why do I say that this applies only to actions occurring in conjunction with the speech and debate clause?

You must look at these provisions in tandem - the speech and debate clause protects from outside forces - but the expulsion clause allows the house to police itself.

Look at the language of the section.

First, each house determines rules governing how it proceeds. This of course means the proceedings in session = what occurs on the floor and in committee. This has nothing to do with actions of a legislator outside of that setting.

And, there is no rule which the assembly has passed governing how representatives behave which Rep. Wood has violated. At least, the various resolutions do not cite any other assembly rule

remember, Rules 21 and 43 simply set out the procedure the process for consideration of these resolutions. Those rules cannot be violated.

Each house determines its own rules of proceedings AND, the constitution provides, may then punish for contempt. Well, contempt of what? Contempt means disobedience. Disobedience of those rules that the house has adopted.

Each house determines its own rules of proceedings AND the constitution provide, may then punish for disorderly behavior. Disorderly behavior where? - in the home district? In another state? Or in the legislative body.

If the clause permits expulsion for acts outside of the house, then why is it limited to only those which can be characterized as 'disorderly.' Disorderly conduct, contrary to Wis. Stat. § 947.01, is a minor crime, but is most similar to the phrase 'disorderly behavior.' If you expand that phrase to include other crimes with that component, you still exclude a lot of criminal activity - including activity which relates to the very job of a legislator, such as bribery or misconduct in public office.

The answer is obvious. The house sets the rules of debate and procedure. You can't be arrested or sued for what you do or say during session, but if you are in contempt of those rules or act disorderly during those proceeding, then the legislative body may find you in contempt or to have engaged in disorderly behavior, and you are subject to expulsion by a 2/3rds vote.

There is a clear interaction between the speech and debate clause and the rules, contempt and expulsion clause. Both apply to what occurs during the legislative session within the scope and control of the rules of the house.

Practice and History of Expulsion in the Legislature

This is borne out by practice and history. The only member of either house to ever be expelled was found to be in contempt for remarks he made from the floor of the senate in 1917. Sen. Frank Raguse, a socialist representing a district in Milwaukee, at the evening session of the senate on April 24, 1917, made

certain remarks which were considered unbecoming from a member of the senate by many of his colleagues. He could not be charged criminally for it, and he could not be sued for it,

but on April 26, after his clarification of the remarks from the floor of the senate failed to satisfy his colleagues, a resolution was authored. It recited the evidence, put forth a written retraction and apology, and authorized the formation of a special committee to prepare and forward a resolution for expulsion should Sen. Raguse refuse to sign the retraction of his comments.

The resolution passed, and Sen. Raguse was called to the well of the senate. He refused to sign the retraction and apology. Then the special committee presented its report in the form of a resolution stating: it is found and adjudged by the senate that the said senator is guilty of contempt, disorderly behavior and conduct unbecoming a senator, within the provision of sec. 8, art 4 of the constitution.

This expulsion was not for actions taken outside of the legislative session. This was a legislative body, policing debate within the legislative session, through the power vested by the constitution.

That is the only power to expel which the constitution created. For any other act, it is up to the constituents of the elected official to seek a recall. The citizens within the 67 th assembly district have not taken that step. Indeed, no one within that district has even taken the step of initiating a recall, let alone commencing obtaining the signatures required.

The action proposed by the resolution to expel is beyond the power granted by the constitution, and is not in the interests of the constituents in Rep. Wood's district. A vacancy created in this way will not be filled by a special election - there is too little time. These people will be unrepresented until a successor is sworn into office in January of next year.

In order to expel a member for actions such as are alleged, the assembly would first have to pass a rule requiring members to refrain from being arrested and charged with misdemeanor traffic offenses. No such assembly rule exists.

The substitute amendment offered by Rep Wood is based upon the history of

two categories of instances involving legislative wrongdoing.

Those legislators accused of wrongdoing outside of the institution
Those whose wrongdoing occurred within this building

Neither category has actually seen any steps taken to expel the legislator.

First, note that the legislators accused of criminal activity related to the caucus scandal

actions directly involving their office, ethics, and duties

Each served out their term while facing felony and/or misdemeanor criminal charges.

AND NO RESOLUTIONS TO EXPEL WHERE BROUGHT BY MEMBERS OF THEIR PARTY OR THE OPPOSITION - or any third party

Jensen - served for two full terms while awaiting trial

Foti and Ladwig served a full two year term having chosen to not run again, their convictions occurring after they had left office.

Which is precisely what Rep. Wood has proposed to do

REMEMBER - while he has been accused of OW Influence and while there may be probable cause to support the arrest in each case - the actual nature of the substance, if any, causing the impairment and whether the level of the substance was within therapeutic ranges will likely not be known for months.

AND, should he chose to put the state to its proof, a trial date in each county will be many more months away.

Nothing about those pending charges restricts Rep. Wood's ability to carry out the duties he owes to his constituents

which is probably why a majority do not want to see him removed from office.

The second category of legislator listed in the subst amendment faced criminal or traffic charges while in office which, like Rep. Wood, had no connection to their actions as legislators. Those with OWI cases pending, or possession charges, or sexual assault, or larceny, or other offenses, were not the subject of expulsion resolutions.

This action is unprecedented and I believe the reason is because the alleged conduct does not involve contempt for a rule of the house or disorderly behavior while in session, and that the fate of those legislators in all of those 32 instances was left to the legislator and the people who voted them into office.

Since 1946, a period of 65 years, 32 members of the assembly have served without facing a resolution such as this - even though many faced charges far worse, some charges directly involving their work as a legislator.

In 162 years of statehood this provision of the constitution has been the subject of a resolution only 1 time - and that time was for conduct which occurred on the floor and was viewed as contemptuous.



Stephen L. Nass

Wisconsin State Representative

Statement of Representative Steve Nass

March 16, 2010

Assembly Resolution 14, the Expulsion of Representative Jeffrey Wood

Thank you members of the Special Committee on Ethics and Standards of Conduct. It is unfortunate that this special committee had to be formed to address the dangerous conduct and disorderly behavior of Representative Jeffrey Wood, 67th Assembly District.

The introduction of 2009 Assembly Resolution 14 was the direct result of Representative Wood's decision against the honorable choice of resignation after multiple arrests for driving under the influence of drugs and/or alcohol.

It is unfortunate that the special committee opted not to question Representative Wood regarding the specifics of his dangerous conduct when he appeared before this body on March 3, 2010. Instead, some members of this special committee were more concerned with asking me questions, rather than with completing the obligations of this legislative body under the requirements of Assembly Rule 21.

Assembly Rule 21 requires the special committee to "ascertain the facts of the controversy" and to return the resolution to the Assembly with a report containing your recommendation for action. Assembly Rule 21 requires nothing of the resolution's author. In fact, the rule provides no official role for an author or any other member of the Assembly, other than the person subject to expulsion and the special committee members.

Assembly Rule 21 uses the word "may" when referring to Representative Wood's ability to have advice of counsel, his option to provide testimony and the possibility of cross-examination of any witness testifying in support of the charges. By introducing Assembly Resolution 14, it does not make me a "witness" in reference to the charges. I was not physically present or involved with Representative Wood during any of his inappropriate conduct. I was not aware of his personal choices when using drugs and alcohol either prior to or during the incidents in question.

The staff attorneys of the nonpartisan Legislative Council did an excellent job in obtaining the official records. These records chronicle Representative Wood's risky decisions involving his impaired driving and his life-long conduct issues.

On December 12, 2008, Representative Jeffrey Wood was arrested by the Wisconsin State Patrol in Columbia County and charged with four misdemeanor charges:

1. Operating a Motor Vehicle While Intoxicated – 3rd Offense
2. Operating a Motor Vehicle with Prohibited Alcohol Concentration – 3rd Offense
3. Possession of Marijuana (THC)

4. Possession of Drug Paraphernalia

I assume that the special committee has reviewed the police reports and significant details of Representative Wood's dangerous conduct in Columbia County. I will save time by not repeating this information in my statement. Additionally, Representative Wood has entered into a plea deal in the Columbia County case, but has not yet been sentenced.

On September 23, 2009, Representative Jeffrey Wood was arrested by the Wisconsin State Patrol in Marathon County and charged with one misdemeanor charge:

1. Operating a Motor Vehicle While Under the Influence of a Controlled Substance – 3rd Offense

Again, I assume that the special committee has reviewed the police reports and significant details of Representative Wood's dangerous conduct in Marathon County. I will save time by not repeating this information in my statement. It is important to note with the pending sentencing in Columbia County, that the Marathon County Case would become his 4th offense.

On October 21, 2009, Representative Wood was arrested by the Tomah Police Department in Monroe County and charged with two misdemeanor charges:

1. Operating While Under the Influence of an Intoxicant or Other Drug – 3rd Offense
2. Misdemeanor Bail Jumping

Again, I assume that the special committee has reviewed the police reports and the significant details of Representative Wood's dangerous conduct in Monroe County. I will save time by not repeating this information in my statement. It is important to note that with the pending sentencing in Columbia County and the pending case in Marathon County that the case in Monroe County could become his 5th offense and result in a felony charge.

Representative Wood has two previous convictions for operating while intoxicated. His first conviction was in Eau Claire County for an arrest on June 2, 1990. His second conviction was in Eau Claire County for an arrest on October 26, 1991.

However, Representative Wood has had other contacts with law enforcement resulting in arrests and some convictions:

1989 – Originally, arrested for having sex with an underage minor whom he met at a party. He eventually pleaded guilty to a lesser charge.

March 17, 1991 – Originally, arrested for theft by the Eau Claire Police Department. He eventually pleaded guilty to a lesser misdemeanor for Attempted Theft.

November 28, 1991 – Originally, arrested for Retail Theft by the Eau Claire Police Department. Charge dismissed.

July 14, 1992 – Originally, arrested for Issuing Worthless Checks (Less than \$500) by the Eau Claire Police Department. Charge dismissed.

On March 3, 2010, this special committee heard from Mr. John Hyland, the attorney for Representative Wood and from Representative Jeffrey Wood. As should be no surprise, Mr. Hyland presented arguments as to why Representative Wood can't be held to account by the Wisconsin State Assembly for his dangerous conduct. Simply put, Mr. Hyland provided a very literal and narrow interpretation of the Wisconsin Constitution and the Assembly Rules.

The attorney's position is that a member of the Legislature can't be held to account by his colleagues for any conduct outside the State Capitol. Of course, this logic might be considered scholarly in the world of trial lawyers, but it is insulting to the people of this state who face real standards of accountability everyday.

The application of the expulsion provision in Article IV, Section 8, of the Wisconsin Constitution is the sole authority of the legislative branch of state government. Our founders deemed the only necessary standard for application was in the 2/3 vote for affirming expulsion.

These same founders also provided a unique way for voters to, in essence, "veto" an expulsion. In this same section of the state constitution, it prohibits a member of the legislature from being expelled a second time for the same cause.

In other words, the voters in that legislative district can re-hire a legislator through an election, thus reversing an expulsion decision. The ability of the voters to advance their interests and re-elect an expelled member is ample recourse for a member of the Assembly or the Senate.

The citizens that put us into office must constantly control their actions or face the consequences. In many instances, those private actions can cost fellow citizens their jobs. I believe that members of the Legislature are capable of living up to the same real world standards of conduct expected of everyone else.

Representative Wood made several statements that verify the validity of the action being taken against him. He admitted his conduct was dangerous and that he placed the lives of innocent people at risk in his statement to the special committee on March 3, 2010. He also admitted to excessive use of alcohol and misuse of controlled substances.

In fact, on March 3, 2010, Representative Wood admitted to using alcohol almost every day, at points, after the 2008 election and in 2009. He also referenced difficulties with taking very powerful prescription medications and, at times, made the decision to stop using these drugs because of the impact it had on him.

Representative Wood implied that he has problems with addiction. However, neither Representative Wood, nor his attorney, have offered any evidence to the special committee from a medical professional to support this diagnosis.

Representative Wood implied that he sought various treatments, but these efforts failed. He has stated that he is currently in treatment. However, neither he nor his attorney have provided any evidence of these treatments.

Even more bizarre, Representative Wood told the special committee that he was in a treatment facility in Tomah on October 21, 2009. He referenced being provided powerful medications and then being asked by treatment staff to go out looking for another patient that had left the facility. Later in his statement, he tells the special committee that he doesn't recall leaving the facility, or anything else that happened that day, until he woke up in the Monroe County jail.

Why hasn't Representative Wood provided any evidence confirming that staff asked him to go out on the streets of Tomah to find the other patient? This seems like an easy thing to prove. However, Representative Wood seems to have many stories, reasons and excuses that lack any evidence.

One common characteristic of those that misuse alcohol and drugs is for these individuals to shift blame or refocus attention onto other people. This is something we have seen from Representative Wood many times, but the strongest piece of evidence of his sad behavior is the substitute amendment he had drafted about other former legislators.

How can Representative Wood expect anyone to believe that he is on the path to recovery when his attempt is to refocus attention onto the actions of other legislators?

As a supposedly recovering alcoholic, Representative Wood seems to have not reached the step of taking responsibility and accepting the consequences of his actions. Instead, Representative Wood is now contesting the facts of his impaired state in both the Monroe County and Marathon County arrests. Any reasonable person that reviews the dash cam videotapes can see for him or herself that he was impaired and should not have been driving.

Based on the statements of witnesses to his impaired driving, the statements of law enforcement officers involved in the arrests, and the dash cam videotapes, there can be little doubt in the minds of the special committee regarding facts of this controversy.

The Assembly's expulsion proceedings against Representative Wood are separate from the proceedings occurring in the courts. While information gathered in these separate proceedings can be useful to both inquiries, neither is required under the law or by any rule to wait for the outcome of the other process.

Representative Wood has been afforded the benefits of Assembly Rule 21. However, he opted not to use the public hearing earlier this month to offer any information or evidence that contradicts the charges of driving an automobile in an impaired state, three times within one year and a total of five times in his life.

Are we to believe that the actions being taken against him are based on some political conspiracy?

Are we to believe that the citizens and the law enforcement officers that witnessed his dangerous conduct are somehow politically motivated to get Representative Wood?

Of course not.

However, Representative Wood has, in my opinion, played the victim role in an attempt to avoid taking accountability for his actions and avoid being subjected to the appropriate consequences both in the courts and in the State Assembly. Representative Wood is a very lucky man for only facing expulsion in the Assembly and multiple charges in the courts.

He is lucky that his repeated dangerous conduct has yet to cause his death or the death of an innocent person. That luck should not make him immune from severe reactions in response to his putting lives at risk repeatedly.

His playing the victim card is truly insulting, especially to the many real victims of roadway carnage at the hands of drunk and impaired drivers. Representative Wood is no victim. He is another high profile example of the failure of the State of Wisconsin to get serious about repeat drunk and impaired drivers. He is no victim when it comes to his personal choices in using drugs and alcohol.

Representative Wood's real intent has been to delay and avoid taking responsibility for his own personal failings. In recent weeks, he has attempted to play on the heart strings of the public by excusing his conduct and shifting blame to factors beyond his control.

He suggested that a lack of health insurance coverage is partially at fault, that his genetic make-up predisposes him to make potentially dangerous decisions, and the treatment of doctors caused his behavior. He then added a new excuse at the March 3, 2010 public hearing, when he blamed the pressures of running for re-election in 2008 as an Independent.

The facts, however, show a much different set of circumstances. His conduct includes three convictions for impaired driving and two pending cases, as well as a couple of other incidents earlier in his life involving significant personal misconduct requiring the response of law enforcement.

I know there are some on this special committee uncomfortable with referencing his past arrests in reaching this decision on his expulsion. In fairness, no person should be judged

solely on a short period of their life. All of us deserve to be reviewed for the entirety of our life's conduct and efforts. Such a full review of Representative Wood's past should include the positive and the negative.

I only ask that you consider your constituents. Please think about the vast majority of your constituents that lead exemplary lives and follow the rules. Most of your fellow citizens will never be in a situation that might result in an arrest.

Now, compare that to Representative Wood's record including at least nine situations that resulted in his arrest and/or charges for inappropriate conduct. By his own admission, most of these situations were in some way related to his use of alcohol and/or drugs.

People should be given a second chance after paying for their improper conduct. However, in Representative Wood's circumstances, he has had many second chances and failed to honor the moral code we must all follow in a free society. Taking personal responsibility for one's actions is a fundamental concept in the social and legal contract we all accept as citizens.

I must also respond to the discussion from Representative Wood and his attorney regarding the issue of a recall election. While there can be many reasons why a recall process wasn't started, one reasonable explanation is that the residents knew of the expulsion resolution and assumed that the State Assembly would take action.

For Representative Wood or his attorney to suggest that the lack of a recall process shows the unwavering support of his constituents is highly disingenuous.

The time has come for the special committee to finalize its review of the facts and recommend the expulsion of Representative Wood. I still believe that his repeated dangerous conduct warrants expulsion from the Wisconsin State Assembly. Representative Wood's declaration that he won't seek re-election should have no bearing on the outcome of the expulsion decision.

If you believe that his repeated misuse of alcohol and/or drugs followed by his decisions to drive is conduct that conforms to reasonable standards of ethics and moral behavior for a member of the State Assembly, then by all means don't vote to recommend expulsion.

If you believe the repeated nature of his conduct does cross the line of ethics and moral responsibility as a member of the Assembly, then your vote to recommend expulsion should be in the affirmative.

While we may not be able to prevent further dangerous behavior by Representative Wood, we do have the power to make sure he can't do it as a serving member of the people's house, the Wisconsin State Assembly.

Thank you for your patience and attention.